

## Precarity Amidst ‘Ad-Hoc’ Access to Education for Second Generation of Youth Immigrants in Kudat, Sabah

Linda A. Lumayag

Universiti Malaysia Sarawak, Malaysia

Corresponding author: [allinda@unimas.my](mailto:allinda@unimas.my)

Ivie C. Esteban

Mindanao State University-Iligan Institute of Technology, Philippines

Francisco P. Dumanig

University of Hawaii at Hilo, United States of America

### ABSTRACT

While migration literature is littered with studies on stateless and undocumented children in Malaysia, there is scant focus on the second generation of stateless and undocumented immigrants who were born in Sabah. What happened to the second generation of IMM13 holders and what kind of life condition they tread since? This paper investigates the situation of children of IMM13 holders who were given access to school before 2003, though remain undocumented, and how they make sense of their lives as young adults. Based on in-depth interviews and observations from a broader study conducted in 2013-2016, youths aged 20-30 years old from Kudat, on the west coast of Sabah, it is our contention that for the undocumented, temporary or ad-hoc access to education remains a palliative route without social inclusion of immigrants into the mainstream society.

*Keywords: precarity, migration, second-generation immigrants, Sabah, access to education*

### INTRODUCTION

The focus on the second generation of children of IMM13 visa holders tends to be glossed over in many research initiatives. Research studies, government reports, the nongovernment organisation commissioned studies or undergraduate final year projects often lumped children in one category without taking into account the temporal framework, age, gender or geographical location of the stateless and the undocumented. Then, there is conceptual ambiguity of the terms migrants, immigrants, undocumented and stateless that also reduces and weakens the imagination that each label or categorisation means or implies. For this short paper, we view immigrants as non-citizens who by force of social, economic and political circumstances have settled in Malaysia without any intention of leaving the country in the near future. Specifically, it refers to the second generation of immigrants whose parents were identified as holders of IMM13 refugee visas in the 1980s through the 1990s.

#### **A brief historical background of the Filipino refugee community in Sabah**

Filipinos in the Philippines have been crossing the Sulu Sea and the South China Sea even before the formation of Malaysia as a nation-state (see for example, Sather, 1971; Warren, 1985), primarily for economic and social reasons. Both borders have been involved in the social and economic exchange that even with the creation of an independent state such exchange has continued. These social and economic linkages have produced as well cross-border marriages (Lumayag 2016), labour migration, human trafficking, legal and illegal trading activities (Warren 2007). Certainly, pre-independence Malaysia has never adopted a border strategy where people can only cross if they show a certain form of travel documentation, in the same manner people from Sabah can travel to the neighbouring islands

within the territorial jurisdiction of the Philippines. This is not to discount the fact that the movement of people from Mindanao can be traced as far as during the dominance of the Sulu Sultanate, based on historical accounts that nomadic sea people like the Bajaos have been roaming between islands.

Yet, the sea has always been a vital and fluid arena in this region, with local populations entering it into their cultures and belief systems, their folklore and their science. Passed-down erudition of the sea helped define community among Bugis navigators, for instance, transmitting knowledge of storms and area phosphorescence, and the lie of currents and rocky coasts (Tagliacozzo 2009, p. 99-100).

The formation of then Malaya as a nation-state in 1957 and the eventual union of Sabah and Sarawak into the Federation of Malaya in 1963 have altered the traditional and historical free movement of peoples in Southern Philippines, but the creation of a new nation-state has not altered the fact that such social and economic exchanges remain. Where before, coastal peoples travel to and from Sabah with relative convenience – which means that no form of documentation (e.g. passport, identification card) to enter as a citizen of a nation-state, this migration landscape has changed with the mapping of territories institutionalising which islands belong to which nation-state as a consequence of British colonial control in Malaysia. They were, by and large, the first category of Filipinos in East Malaysia when the British left the then Malaya.

What led to the deluge of Filipinos without documents from the Philippines was the infamous “Mindanao problem” in the 1970s when Martial Law was declared by then President Ferdinand Marcos of the Philippines. Coupled with the security crisis of a protracted war between the Philippine military and Muslim rebel forces, many Filipinos entered Malaysia as political refugees (see also Bahrain and Rachagan 1984 as cited in Azizah 2009). Victims of a protracted civil war, include parents with young children, or single and young adults who left behind family members and relatives in Mindanao and Sulu searching for a peaceful land to resettle.

Filipino refugees who entered the borders of Malaysia were granted the so-called IMM13 visa. The visa, which is renewable every year, allows them to stay in Sabah and find work. This is the second category of Filipinos who are living in East Malaysia. About 50,000 IMM13 visas were issued in the 1980s to the main holder on behalf of spouse and children, which means that a refugee visa is tied to the male head of the family, which covers his dependent wife and children. The crux of the matter is: many refugees did not even know that they have to renew this visa every year, and a kind of paper to keep “forever.” Assuming that they had left Mindanao before 1980 when they were at the prime of their life, say 20-35 years old, by now, they would be in their late 40s and 60s. They would have gotten ‘married’ and have children in Sabah despite the insecurities and precarious conditions life has shown in their new homeland.

Now the third category of Filipinos belongs to the new wave of economic migrants post-1990. Sometime in the 1990s, the Federal government of Malaysia stopped issuing the IMM13 visa as a result of the relative peace in the Southern Philippines. However, people keep coming and this time intermittent clashes were not the main issue. The issue is more of the economic deprivation and poverty that they have been suffering as a result of the security tensions in some parts of Mindanao.

Put in another way, many years have already gone by but still, the flow of people from the Philippines using the Southern Philippines’ as the exit point and using the east and north of Sabah as entry points into Malaysia is unabated. Historical records and recent writings show that at least three waves of human migration have occurred, the first wave happened when traditions of trading were buoyed up by social networks of families and friends plying in and out of then North Borneo. The second wave took place around the time then-President Marcos declared an all-out war to Muslim insurgents in certain parts of Mindanao. Consequently, both Muslim and Christian settlers from Sulu, Tawi-Tawi, Basilan and Zamboanga left in droves for Sabah, leaving behind their homeland searching for a peaceful home.

Malaysia, then, acknowledged them as refugees and were given IMM 13 refugee visas that entitled them to stay and find work in Sabah. The third wave, and it still continues, consists of the economic migrants who, out of desperation, poverty, unemployment, lack of access to land and job opportunities (Sadiq 2005).

In this article, we examine the life situation of youth immigrants who are children of IMM13 visa holders. Despite their access to education prior to the amendment of the Education Act 1996, it has not reduced their precarious situation. It should be noted that until 2003, when the Education Act 1996 was amended in 2002, some children of refugees in the 1980s were able to enter the public school system. This paper claims that 'ad-hoc' access to education departs from the regular access to education in that the second-generation immigrants are still incapable of pursuing the next level of the education process since the Malaysian government still requires them to provide their legal identity. In other words, while they may have finished their middle secondary school, the lack of paper (read: IC) qualification still put them in a disadvantage position. With this as the overriding requirement for studies, work, career advancement and marriage, second-generation of immigrant youth remains on the sidelines, invisible, insecure who join the ranks as precariat.

In a way, the state apparatus through the Ministry of Tourism Malaysia has, by default, directly and consciously acknowledged the existence of a vibrant immigrant community usually represented by both documented and undocumented Filipinos. Around 2005 when we first entered Kota Kinabalu to join a conference, the Filipino market or Pasar Filipin was never part of the Ministry of Tourism's identified tourist destination. From around 2009 to 2010, there was already an explicit acceptance of the Filipino immigrant community based on the state government's tacit approval of the existence of Pasar Filipin which was and is currently a domestic and foreign tourist attraction in Kota Kinabalu.

### PRECARITY AND MIGRATION NEXUS

The concept of precarity has been around before it was made fashionable as a frame to which we view a particular human condition. Precarity is a human condition that inhabits all spaces in our everyday life. It is a condition of vulnerability, uncertainty and unpredictability of a given situation that brings about a sense of precarity in one's life (Sassen 2001; Wacquant 1999; 2008). We propose to frame this study in a context of precarity – similar, and, yet, different from what has already been highlighted in the literature.

In Hardt and Negru's book *Empire* (2000), it stresses the role of the transformation of an economic order that leads to new forms of attitudes, practices and reality disguised in racism, migration of people across nation-states and the formation of a new economic class. While the approach of Hardt and Negru (2000) is focused on the philosophical side of human condition, Guy Standing (2011) argues that the post-industrial stage of society produced a new class of workers known as 'precariat' that is far more precarious than the so-called 'proletariat' of the recent past. Following the lead from Hardt and Negru (2000), and Standing (2011), we reckon the work of Bridget Anderson (2010) that views migration structures and processes not as interlocking entities but rather reflect a much more coherent system that aims to propel control and management in labour migration and diaspora. Thus,

The concept of precariousness involves instability, lack of protection, insecurity and social or economic vulnerability...It is some combination of these factors which identifies precarious jobs, and the boundaries around the concept are inevitably to some extent arbitrary (Rodgers and Rodgers, 1989: 5, cited in Anderson, 2010, p. 303).

In another vein, Papadopoulos et al. (2008), while examining the different escape routes of labour migrants in the context of Italy, intimated a sector of precarious peoples who are able to subvert, elude and resist the imposition of power to 'illegal' migrants. At the same time however these escape routes may sound advantageous in certain period but very often the surveillance mechanisms inhibit 'illegal'

migrants' movements, labour protection, and rights, thus, leading to precarious conditions in the labour regime. Moreover, 'precarity' captures both atypical and insecure employment and has implications beyond employment pointing to an associated weakening of social relations (Anderson 2010, p. 303). Piper & Lee (2016) have expounded on the idea of vulnerability as labor migrant workers are entangled in a circuitous and vicious web of migration and diaspora. Specifically, in Piper's (2015) and Piper & Lee's (2016) studies on Southeast Asia, the claim that migration has effectively rendered migrants at the mercy of public/government and private sectors which apparatuses/institutions are seriously lacking in human rights features to protect migrants. Experiences of labour migration management in labour sending and receiving countries show not just glimpses of the precarious situation of migrants and their families, we see an overwhelming picture of extreme vulnerability and uncertainty on what lies ahead as soon as they decide to join the migration path. In the context of migration in Asia, precarity features a paradoxical view in that while there is economic growth, there is a twin shadow of social exclusion (Sassen, 2014) and marginalisation of peoples (Cruz-Del Rosario and Rigg, 2018).

In the recent migration epoch, the long arm of modernisation controversially expressed in the name of economic globalisation once again calls for precarity as a human experience, to be adopted as the lens through which we are able to understand temporary labor migration. The works of Ettliger (2007) explains that precarity does not reside in a particular space and time, and that it is isolated. Instead, we view precarity in its fluidity, in its defying character of sort to be fixed. It ranges from low to extreme exposure of individual social actors to a manifold level of social interaction and relations embedded in their individual history of migration. Precarity is also viewed in a particular context in a manner where spatiality and temporality could account for a differentiated form of precarity. In addition, it is also viewed at a personal level – the individual thought and feeling experience as she/he negotiates the spectrum of precarity.

## METHODOLOGY

### Data collection

The observations presented in this paper formed part of the broader study that we conducted between 2013 and 2016, which was funded by the University of Malaya Research Grant Number: RP017B13SBS. Two study locations in Kudat town are identified here as Village A and Village B (village names withheld). These two villages are densely populated by immigrant communities from Ubian province in the Sulu archipelago. Data collection techniques like in-depth interviews, survey questionnaires and personal observations were utilised. The survey questionnaire consisted of questions on migration history, household characteristics, livelihood activities, access to resources, and immigrants' idea of the ecosystem. We used secondary data from local records and other government documents, research studies, and newspapers. For this paper, we focused on the second-generation immigrants who are children of IMM13 refugee visa holders who were all born in Kudat, Sabah.

### Socio-demographic background of two communities

Both villages under study are water villages (*kampung air*), and they adorn the shoreline of Kudat town. Village A is about 2 km from the centre of Kudat and is hidden by trees and medium-built housing along the road. Village B is rather inland and situated about 7 km from Kudat town. At one glance, you will not be able to recognise these villages right away as they are either 'unpassable' narrow roads or deeply hidden by trees and concrete housing infrastructure. Table 1 below summarises the salient demographics of the two water villages.

<b>Village characteristics</b>	<b>Village A</b>	<b>Village B</b>
Total population	3600	4583
Number of houses	560	588
Total number of female & male	1800 F / 1800 M	2368 F / 2215 M
Average age	35	44
Number of youth	300	455
Primary occupation of residents	Fishing	Fishing
Average monthly income	800	900
Residence status	70% with IC	IC
Race	Ubian	Bajau
Religion	Islam	Islam
Average level of education	Form 5	Form 5
Average number of residents in a house	9	9
Prayer Hall (Mosque)	1	1
Number of government servants	50	65
Convenience stores	30	5
Transportation (car)	50	65
Boat	80	90
Public Hall/Community Hall	1	1

*Table 1: Socio-demographic profile of Village A and Village B (Source: Data was provided to the authors by the village heads (Ketua Kampung) of both communities, 2016)*

Although the data provided by the *Ketua Kampung* shows that the majority have documentation, informal conversations with the settlers within and outside the village show immigrants in the two communities under study are predominantly without documents. There are at least three types of immigrants: (1) those completely without documents; (2) those married to women with documents but immigrants without documents; and (3) holders of IMM13 refugee visas that expired years ago. The earliest informant came in 1960<sup>1</sup> before the infamous Mindanao crisis, and the latest was in 1995, more

<sup>1</sup> Sometime in 2005 we also met one old lady who was 78 years old at the time of fieldwork and shared that she and her family came to Sabah during the time of the British. There was no passport or any form of documentation required to enter the shores of then North Borneo.

than a decade after the refugee visa was issued legitimately and which visa is now technically not being issued but whose recipients either have progressed to being Malaysia citizens, permanent residents or refugees, depending on persistence, perseverance and local connection. Some are less fortunate than others and suffer from loss of 'time' and access to education for their children and grandchildren. The local belief among immigrants who are holding a refugee visa is that since they already have the document, they are refugees forever and therefore, there is no need to renew it. One informant showed me a visa properly wrapped in a plastic sheet and was kept in the safest place of the house.

### **Three cases of second-generation of youth immigrants**

We highlight three cases of youth immigrants who were able to attend school prior to 2003 but could not go any further than being odd workers in some situations but remain invisible in most times for lack of identity documentation.

#### **Mariam and her sons**

Osop and Yazid's mother, Mariam, 57 years old, originally came from Tawi-Tawi in Sulu almost 40 years ago. She and her six children, all born in Malaysia, still do not have ICs. While the children have gone to secondary school, not one has gone to the university. Three of her sons had finished the Malaysian Certificate of Education (SPM). The eldest son, Yazid, 35 years old, could not find permanent work because of his documentation problem. He also wanted to continue his studies but poverty denied him that. Going to a private college was never an option as it was beyond his parents' means to pay the tuition fees. Being undocumented did not deter him from contributing to his local community. Yazid organised the youth in the island community and started the 'No plastic' campaign long before the campaign in shopping malls began in peninsular Malaysia. He was also instrumental in forging youth cooperation to protect the delicate island reefs due to fish bombing and cyanide fishing – all on a voluntary basis. His brother Osop, 34 years old, is a licensed diver, a volunteer youth leader and a self-confessed environmentalist. Whenever guests from outside the community want to know more about marine protection management, Osop and Yazid are the best resource persons to provide knowledge. At the time of fieldwork, their sister was a contract worker for a government outfit. The siblings all have the capability to make a difference even if they are far from the pouring blessings of infrastructure, good school, job opportunities, and others. But this capability is widely hindered because they are neither citizens nor strangers in Malaysia. The siblings have never retraced the journey their parents had trodden years ago. In other words, throughout their life they have never seen the side of the Philippines, even if it only takes less than two hours to reach the other side of the border.

During the conversation, Osop asks about the plan of the Malaysian government for IMM13 people: Is the government going to give them at least permanent residence or citizenship? Azizah (2009) suggested that in the 1990s there was an attempt by the Federal government in Kuala Lumpur to recommend the issuance of at least a permanent residence to the refugees, for example, like Osop's parents. However, it received strong resistance from political leaders in Sabah, asserts Azizah (2009). This question keeps ringing loud as people in the community know that some have managed to obtain their ICs while the greater majority have not. It is precisely because these siblings could not afford to maintain a decent living that they keep on questioning why the long delay in their eventual permanent residence or citizenship in Malaysia, and why some could secure legal documentation and others just could not?

Since 2003 the Federal government has declared that immigrants who are undocumented cannot enter any government-funded schools. Osop, who was hoping to pursue his university education was so disappointed that even with his good marks, there was still 'no use' ("*tiada guna juga*"). His dream of becoming a successful person someday was dashed as there was no option left except to remain in his village. The furthest he could go is Kota Kinabalu, although he was able to enter the peninsula – with the assurance from the World Wide Fund for Nature (WWF) – when he was invited to conduct a workshop on marine management.

Both Osop's and Yazid's quests for a better life are constrained by his being undocumented and poor. Coastal villages or the island communities where most of these children are situated have very limited job opportunities even if they may have basic skills such as in recycling, diving, and reef protection. The north of Sabah may have beautiful beaches and a potential tourist attraction, but it remains below the radar of domestic and international tourists. There are minimal opportunities for tourism where young adults like Yazid and Osop could find employment. So, what remains is a huge pool of human resources which could have most likely provided alternative services to the state of Sabah had it not been for that unpopular move to ban children of undocumented immigrants, even children of IMM13 holders, from pursuing their studies in public schools even with their outstanding academic performance. This contributes negatively to the social and economic development of Sabah, in particular. In his own words, Osop laments that,

“...with that, he is able to go to primary school upon reaching seven years old. Once he completes up to Standard Five, he shall continue secondary education until Form Five. After SPM examination, his education comes to a halt as he does not have an identification card to continue anywhere.”

While they cannot go to college or university to further their studies, they also cannot find a permanent job as they have no documentation to show for potential employment. Osop shares that,

“... It's hard for me to look for a job in Banggi. So when WWF looks for volunteers, we participate, considering that we do not have job and so, sometimes allowance is paid.”

Certainly, without any proper documentation, in addition to their inability to compete with others in terms of academic qualifications, they are not able to achieve their choices in employment. They may have language adaptation since they are schooled in Bahasa Malaysia, however, this does not propel and empower them to access job opportunities that are stable and could save them and the family from poverty.

### **Ahmed**

The case of another youth immigrant, Ahmed, highlights the difficulty not only of searching for employment or scholarship to continue his studies in a technical school for culinary arts, he also finds it extremely precarious to settle down legally using the civil law. While Ahmed can resort to an Islamic rite to find a wife, it does not resolve his non-documented immigrant problem. But as fate would have it, he asked the help of the community to bless his 'marriage' to another non-documented young woman who bore him a son. The sheer lack of legal capacity to contract marriage deprives Ahmed of his right to establish a wholesome family unit that receives social protection and welfare simply because he does not have the proper identity documentation.

### **Softening the edges of precarity through community rituals**

It is interesting to note everyday practices of reciprocity, social obligations and morality (see studies of Fabinyi 2011, Cannell 1999 and Kerkvliet 1990) are practices observed in the Philippines. The studies mentioned above have identified these ideas circulate in the community and fundamentally provide the material and material sustenance in social interaction.

The informal structure of support networks facilitates the coming and going of the undocumented. This is reflected especially for people who have just arrived in Sabah. Being a Bajau from Ubian town in Tawi-Tawi, considered a third-class municipality in the Philippines, they find shelter in communities where there are many Bajau Ubian settlers. To stay longer, one needs a friend or relative to act as a guarantor or to *jamin*. This role of a guarantor will extend from providing shelter to grave problems like detention. When one is caught by the police, the guarantor will then make a representation to the local authorities and sometimes use another person who has more influence to the powers that be.

Any new aspiring immigrant settler cannot stay permanently in *kampung air* without permission from the *Ketua Kampung*. In order for one to settle in the community, at least a new settler must have a relative or friend who can *jamin* or vouch for the credibility of the person. Community social relations are based on blood relations or strong friendship networks and on that score, settlers usually come from the same village or island back in the Tawi-Tawi or the island communities around Sabah. For example, informant S1 shared that he had a brother who migrated to Kudat a long time ago and so he asked if he could put up a small room next to his brother's house. This he has to also inform the *Ketua Kampung* of his intention to stay and his brother's assurance that he will be there to assist him in any way.

Another significant support that immigrants have for each other is in the area of community security. Raids to flush out undocumented settlers are a common occurrence in the two communities. Before a raid happens, some settlers may have known the time and day and so when it comes, undocumented settlers have already been informed and that they should leave the village. Left without a choice, they sail to the sea until it is safe to come back. The close-knit family and friendship network enables effective communication especially on raids and immigration authorities going on check.

The concept of *jamin* in a community where there a number of undocumented immigrants, those who already have received Malaysian identification card (IC) either red or blue, can be a good resource for support, especially the undocumented members in the community. Usually, they have a list of those who "guarantee" the presence of an undocumented. However, there are problems when the undocumented is caught going against the law, caught by the immigration authorities and then asked for his assistance to let them get out of detention. During my conversation with the informant and his wife, the husband shared that,

*"Aku kesian itu orang kan... jadi aku jamin...jadi sekali aku jamin sama itu orang, ada masalah itu orang apabila kena tangkap oleh imegresoon dia lari dari tahanan itu dari imegresoon. Jadi apabila dari itu lah mulai apabila dia lari dia terus kena telepon pergi contact pergi saya bilang... Kau punya jaminan lari dari tahanan jadi kau bila kau datang pergi imegresoon saya datang pergi sana..dia terus ambil saya punya keterangan dia tahan dia bilang kau cari ini orang kau punya pekerja ni ah... nasib itu orang aku jumpa juga itu orang".* [I really pity them...so I act as guarantor...there was a problem when that person ran away from the immigration detention, and I received a call from the office saying that the man ran away. So I was asked to go to the office and explained and directed me to find him saying that he was my worker...Thank goodness I found the guy.]

A lot of responsibility that goes with being a guarantor, and of which is when the person under one's care disappears without a trace or commits crime. So, this informant laments the fact that one should be mindful of reality. He said,

*"Ikhlas...jadi bolehlah kau jamin ini kecuali kalau kau punya jiran ke ataupun kau kenal....padahal saya ni betul betul ikhlas tolong sama diorang saya tidak mintak apa apa sama diorang..."* [I was sincere (*ikhlas*) when I did it but the problem begins when you do not entirely know the person, maybe a neighbour that you knew for many years or your relative, that is fine.]

One strategic way of surviving in Sabah is to receive help from the community especially when the threat of deportation looms. One couple has this to say:

*"Kadang-kadang ada bila orang ini ada operasi dia orang berlari, ada sampai ke laut. Macam kami ni tengok pun kesian juga pasal kita punya sama punya bangsa, sama juga bahasa...memang kami ni keturunan memang asal dari sana juga, jadi itulah kadang kadang tidak terpikir kesian sama manusia."* [Sometimes when they conduct raids, these people escape to the sea. Like I pity them because we belong to the same community, we

... speak the same language... really they come from where I come from, so sometimes we don't think and pity when we are all humans.]



*Figure 1: A photo of Village A after the August 2014 fire*

In another situation, one middle-aged woman whose house was partially burned in August 2014 (see Figure 1) during the month-long Hari Raya celebration says, sometimes when there is a raid, the women with young children and who do not have documents would sometimes leave behind their children under the care of the neighbour. When the raiding authorities start questioning those women who carry small children and wondering why children are crying, they conveniently say that they may be hungry or that their sleep has been disturbed. The raiding authorities do not know that the mothers of these children are now hiding in the sea. They would return once the authorities have left. Neighbours also offer help in the form of providing them boats to escape when the time comes. While a boat is available, another very ingenious way of making a bid to escape from authorities is the use of big empty water bottles. These empty bottles do float in the water, and therefore, this can be a very good substitute for a rubber float.

In a lot of ways, the survival of undocumented immigrants in the two communities hinges on the assistance their community of friends and relatives has extended to them. The strong social ties that bind members of the community especially when their security is at stake could not be more felt when there is a raid, arson, death and other untoward accidents that may happen in the community.

In happier times, undocumented immigrants who wish to get married but cannot go to the registrar's office have the local community to fall back on again. As registration of the marriage is impossible, the community would have to ensure that concerned couples are married in the eyes of the community by asking the help of an imam to solemnise the marriage. Hence, undocumented immigrants still manage to go about their daily routine considerably because of the degree of assistance they receive from the community.

Another interesting observation involves young children whose parents do not have permanent resident visas or citizenship. One case of an undocumented who has nine children to feed. Both husband and wife are undocumented, but three children were given away to a relative and a sister to adopt or to take

as their own. For instance, one of the relatives has IC, so he asked if she could ‘adopt’ his son and take the son as his own. This is a tactical move to ensure that children will no longer be undocumented. The other six, however, remain undocumented but that in the long run, there would have problems related to identity again.

## CONCLUSION

This paper is drawn from a broader study conducted in 2013-2016 in the two water villages in Kudat, Sabah. This study departs from the normative literature on access to education for the undocumented in that it specifically highlighted a few cases where the youths had access to education in the public school system and have reached the SPM level, and yet, they are not able to get a decent life after.

Economic marginalisation is one of the searing effects of ad-hoc access to education, coupled with a lack of access to opportunities in the local community. In the case of Osop and Yazid’s family, poverty is never imagined, and it is real. Their parents have been in Malaysia for more than 40 years but this does not put them in a much better stead than others who may have come later. Though both of them may have finished their Malaysia School Certificate equivalent to ‘O’ Level (Sijil Pelajaran Malaysia), their lack of a university credentials has disempowered them in many ways. They cannot find permanent jobs as more often these require paper qualifications, besides not having birth certificates to go with other documentations.

Children of IMM13 holders who have now been categorised as youth have become invisible in the Malaysian society. Their job prospects are very slim when they are not empowered to level up through access to education. These young adults in their 20s and 30s are jobless or odd workers in the construction industry in Kota Kinabalu, restaurant and shop assistants or domestic workers in the informal economy. The Malaysian state rendered these people vulnerable to the shearing effect of poverty, marginalisation and social exclusion (Piper and Lee, 2016; Sassen 2001; Anderson 2010) since their low level of education limits their opportunity to travel and to find work.

With the number of undocumented families living in Sabah, it is surmised that thousands of children are rendered illiterate and poor, more so after the ban. The question of whether this is what Malaysia wants for Sabah rings loud. One of the determinants of a competitive and knowledgeable society is the extent to which citizens and immigrants, documented or otherwise, are equipped with the necessary social requirements to take their position in the overall structure of society. Social bifurcation on the basis of an abstract and obscure understanding of “us/we” and “them/other”, if remain unchecked may plunge Malaysia into the abyss. Existential reality teaches the idea that the immigrant community is not a homogeneous grouping of a variety of ethnic groups. It is rather diverse, multiethnic, and also largely disenfranchised. The community is socially excluded and the immigrants’ children’s full right to education remains a thorny yet invisible issue. Their wish may sound very difficult to provide at a historical juncture that Malaysia itself is embroiled in a lot of ethnic-based issues especially related to how its own citizens struggle to break free from the prism of racial discrimination. At the same time, society continues to cast aspersions on the immigrants especially when new security threats pop up such as kidnapping, illegal trade, terrorism and others.

Marginalised by mainstream society, they stick to their own group and keep alive their customary ways. While extreme poverty and deprivation as a result of limited access to economic opportunities can and will induce some people to crime; marginalisation and alienation can induce immigrants to pursue their native norms and customs which may conflict with the rules, regulations and the laws in Sabah. That a few have committed crime does not make the refugee population a ‘lawless community’ (as cited in Azizah, 2009, pp. 77-78).

Osop's father never dreamed of going back to Tawi-Tawi because he failed to obtain an IC in Malaysia. In fact, his wife and children will stay put until the end of time rather than go home and start a new life in the southern Philippines. Osop's father has been a fisherman for as long as he can remember. When the monsoon wind comes and prevents him from going to the sea, he goes to the town center, sometimes for a month or so to join the long queue of odd job workers in the construction. Osop and Yazid who are truly part of the Bajao Ubian community from Banggi, could only volunteer their services in the area of marine protection. They may be the best licensed divers in the Kudat district but they are excluded from any potential permanent employment. Ordinary immigrants who provide cheap labor in the services sector and in the plantation industry spend countless hours eking out a living, in spite of the prejudices they experience. There is no logic in saying that they must be repatriated back to the other side of the border, as navigating the Sulu and South China Sea has become a way of life so coming back to Malaysia is never a problem. For some of them, it is not only economic reason that they come, it is also to sustain the social and cultural ties with relatives and family members who live on the other side of the Sulu Sea or South China Sea (Bahrain and Rachagan 1984 as cited in Azizah, 2009). No amount of threats and deportation is ever effective for people who have nowhere to go except to go back to the sea for survival.

What is compelling today, more than ever is to provide access to a legal identity for the large population of immigrants in the State of Sabah as well as to hold a degree of realisation that suppressing the economic, social and political rights of the people for far too long may engender deeper level of precarity that will impact the State of Sabah in particular and Malaysia in general.

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